

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

D/F

RAFAEL CRUZ,

Plaintiff,

-vs-

ORDER
CV-07-3864 (SJF)

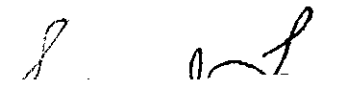
THE TOWN OF SOUTHAMPTON
et al,

Defendants.

FEUERSTEIN, J.

By Order dated September 3, 2008 ("September 3, 2008 Order"), the Court dismissed this case for failure to prosecute and failure to comply with an earlier Order to Show Cause. (See Doc. No. 8.) On August 22, 2008, the Court received a letter application from Plaintiff, *pro se*, requesting additional time to retain new counsel and that this case not be dismissed. (See Doc. No. 9.) The Court, by Order dated September 9, 2008, vacated the September 3, 2008 Order, directed Plaintiff to retain new counsel and to show cause why this case should not be dismissed for failure to prosecute by October 10, 2008, and stated that Plaintiff's failure to respond to this Order shall be deemed a basis to dismiss this action. (Doc. No. 10.) The period of time having expired with no response, it is hereby ORDERED that the Complaint is dismissed.

SO ORDERED.



SANDRA J. FEUERSTEIN
United States District Judge

Dated: Central Islip, NY
November 21, 2008